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Attorneys for Counterdefendant  
SCHOLASTIC ENTERTAINMENT INC.

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

SCHOLASTIC ENTERTAINMENT INC., a New York corporation,

Plaintiff,  
v.

FOX ENTERTAINMENT GROUP, INC., a Delaware corporation, FOX CHILDREN'S NETWORK, INC., a Delaware corporation; FOX BROADCASTING COMPANY, a Delaware corporation; FOX FAMILY WORLDWIDE, INC., a Delaware corporation; FOX FAMILY CHANNEL, a division of INTERNATIONAL FAMILY ENTERTAINMENT, INC., a Delaware corporation; and DOES 1 through 10, inclusive,

Defendants.

FOX CHILDREN'S NETWORK, INC., a Delaware corporation, and FOX BROADCASTING COMPANY, a Delaware corporation,

Counterclaimants,

v.

SCHOLASTIC ENTERTAINMENT INC., a New York corporation, and DOES 1 through 50, inclusive,

Counterdefendants.

[Hon. Manuel L. Real]

**[PROPOSED] ORDER  
DISMISSING ENTIRE ACTION**

Hearing:

Date: April 1, 2002  
Time: 10:00 a.m.  
Place: Courtroom 8

THIS CONSTITUTES NOTICE OF ENTRY  
AS REQUIRED BY FRCP, RULE 77(d).

✓ Docketed  
✓ Copies / NTC Sent  
✓ JS - 5 / JS - 6  
— JS - 2 / JS - 3  
— CLSD

1 The Court *sua sponte* hereby ORDERS the entire action dismissed, as this entire  
 2 matter is being litigated in a state court action that pre-dates the filing of this action. As a  
 3 result of the dismissal of the entire action, the Court hereby DENIES the following motions *as motion*  
 4 which came on for hearing on April 1, 2002: (1) Counterclaimants Fox Children's Network  
 5 and Fox Broadcasting Company's Cross-Motion for Summary Adjudication of Copyright  
 6 Infringement and Declaratory Relief Claims; (2) Counterdefendant Scholastic Entertainment  
 7 Inc.'s Motion for Partial Summary Judgment; and (3) Counterdefendant Scholastic  
 8 Entertainment Inc.'s Motion to Dismiss Counterclaimants' Declaratory Relief Claim for Lack  
 9 of Subject Matter Jurisdiction.

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 12  
 13 DATED: April 15, 2002

  
 JUDGE MANUEL L. REAL

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 16 PRESENTED BY:

17  
 18 WEISSMANN, WOLFF, BERGMAN,  
 19 COLEMAN, SILVERMAN & HOLMES, LLP

20 By:   
 21 Michael Bergman  
 22 Attorneys for Counterdefendant  
 23 SCHOLASTIC ENTERTAINMENT INC.  
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**PROOF OF SERVICE**  
1013A(3) C.C.P. Revised 5/1/88

1 STATE OF CALIFORNIA  
2 COUNTY OF LOS ANGELES } ss.

3 I am employed in the County of Los Angeles, State of California; I am over the  
4 age of 18 and not a party to the within action; my business address is 9665 Wilshire Boulevard,  
Suite 900, Beverly Hills, CA 90212. On the date shown below, I served the foregoing  
[PROPOSED] ORDER DISMISSING ENTIRE ACTION as follows:

5 Robert C. Welsh, Esq.  
6 Marci L. Smith, Esq.  
7 Megan Bean, Esq.  
O'Melveny & Myers LLP  
1999 Avenue of the Stars, 7th Floor  
8 Los Angeles, CA 90067-6035  
Facsimile: (310) 246-6779

9  
10 — **BY MAIL** I am "readily familiar" with the firm's practice of collection and  
11 processing correspondence for mailing. Under that practice it would be deposited with  
the U.S. Postal Service on that same day with postage thereon fully prepaid at Beverly  
12 Hills, California. I am aware that on motion of the party served, service is presumed  
invalid if postal cancellation date or postage meter date is more than one day after the  
date of deposit for mailing in affidavit.

13 — **(BY OVERNIGHT EXPRESS)** I caused said document(s) to be delivered to the offices  
of the addressee(s) via U.S. Postal Overnight Express, next business-day delivery service,  
14 to the offices of the addressee(s)

15 — **BY PERSONAL SERVICE** I caused such document(s) to be personally delivered to the  
offices of the addressee(s).

16 **XX FACSIMILE SERVICE** I caused such document(s) to be transmitted via facsimile to  
the offices of the addressees at the number listed above.

17 — **BY FEDERAL EXPRESS** I caused such document(s) to be delivered via Federal  
18 Express, next business day priority service, to the office(s) of the addressee(s).

19 Executed on **April 4, 2002**, at Beverly Hills, California.

20 — **STATE** I declare under penalty of perjury under the laws of the State of California  
that the foregoing is true and correct.

21 **XX FEDERAL** I declare that I am employed in the office of a member of the bar of this  
22 court at whose direction the service was made.

23  
24   
Janet Andre